

CLATSOP INDIANS OF OREGON.

JANUARY 30, 1905.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BUCKMAN, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 9492.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 9492) to provide for a final settlement with the Clatsop tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties, dated August 5, 1851, having had the same under consideration, submit the following report and recommend that said bill be passed:

On June 5, 1850, Congress passed an act (9 Stat., p. 437) authorizing the appointment of Commissioners to treat with Indians of western Oregon for the cession of their lands to the United States. After the Commissioners appointed under said act had negotiated treaties with many of the Indian tribes, the duties and powers of said Commissioners were, by the act of February 27, 1851, conferred upon three Superintendents of Indian Affairs, who proceeded to negotiate treaties with the remaining tribes. The treaty with the Clatsops was executed August 5, 1851, and the one with the Tillamooks on August 7, 1851. By the former treaty the Clatsops ceded to the United States about 500,000 acres of land (Senate Ex. Doc. No. 39, 32d Cong., 1st sess., p. 5), and something over 3,000 acres were expressly reserved to them. The reserved lands lie at the mouth of Columbia River, and are estimated to be very valuable. (See Secretary of Interior's report on bill 9492). The United States Light House, Fort Stevens, and several small suburban towns are located on these reserved lands.

The Tillamooks ceded about 400,000 acres and reserved "to themselves the privilege of occupying, for purpose of fishing, two small spots of ground sufficient for building their houses upon and for their horses to graze upon, one to be at the mouth and on the western side of the Neehurst River, the other near the headwaters of the Latinsh River."

It was stipulated that the Clatsops should be paid \$15,000 in annual payments of \$1,500 each for the lands ceded by them, and that the Tillamooks should be paid \$10,500 in annual payments of \$1,050 each.

The Commissioner of Indian Affairs, in his report dated April 28, 1902 (Senate Ex. Doc. 340, 57th Cong. (1st sess.)), says that a careful investigation of the records of his office has failed to indicate that any payments have been made in conformity with the stipulations in said treaties. With the exception of the treaties with the Clatsops and Tillamooks and with one or two other tribes, all of the other treaties that were negotiated with the Indians of western Oregon were ratified and the Indians were paid the money promised them for the cession of their lands. The treaties with the Clatsops and Tillamooks were neither *ratified* nor *rejected*, but the public-land laws were at once extended over the ceded and reserved lands, and many of them have been disposed of or appropriated by the United States. The Indians were dispossessed of all the lands.

The amounts of money proposed to be paid the Indians for the lands ceded, as well as for the lands and privileges reserved to them, were arrived at by taking the gross sum stipulated to be paid to the respective tribes (\$15,000 to the Clatsops and \$10,500 to the Tillamooks).

The bills provide that the moneys so appropriated shall be disbursed by the Secretary of the Interior among the twenty Indians now living and the heirs of those who may be dead, as their respective rights may appear. The final adjustment of the claims is, therefore, required to be made by that officer, and the duty will devolve upon him to determine the individual Indians who may be entitled to the money.

The Commissioner of Indian Affairs in his report of April 28, 1902 (*supra*), states that there are 31 Clatsops and 27 Tillamooks residing on the Siletz Reservation, and that there are Clatsops on Chehalis Reservation in Washington, the number of which he was unable to give. The attorney for the Indians states that there are about twenty-five Clatsops living near their old homes and outside of any Indian agency, and about the same number of Tillamooks on Tillamook Bay, Oregon.

The Indians above mentioned are Clatsops and Tillamooks proper, and do not include the Indians of other tribes who are descendents of the Indians who made the treaties of 1851, and who will be entitled to a proportion of the money appropriated. The number of these heirs are not now known, but they will have to be identified by the Secretary of the Interior before the money can be paid.

The committee have sought for the causes of the long delay in acting on the treaties and in adjusting the claims of the Indians, and the only objection to the treaties that has been devolved is the provision in each of them, reserving a small portion of the lands to the Indians for homes. The Secretary of the Interior in transmitting the treaties to the Senate calls attention to these reservations and to the suggestion of the Commissioner of Indian Affairs that they were of doubtful expediency. The Secretary says that they were indispensable and that they would not interfere with the settlements of the whites. The purpose of Congress, as expressed in the act of 1850 (*supra*), was to have the Indians removed east of the Cascade Mountains. This having been found impracticable, it was determined to colonize the Indians on one or two large reservations in western Oregon. Reservations were made for this purpose and most of the Indians were located

thereon. The Clatsops and Tillamooks made objections, and while negotiations were still going on the Indian war of 1855 broke out.

These Indians were not engaged in the war, but the negotiations appear to have been broken off and were never renewed. The officials, however, of the Indian Department have, year after year, in their annual reports, called attention to the unfulfilled obligations of the Government to these Indians. Particular reference is made to Superintendent Hart's report for 1852; Commissioner J. W. Denver's report for 1857; Superintendent Meacham's report for 1871, page 304; Superintendent's report for 1872, page 361; Commissioner's report for 1875, page 58, and Commissioner Atkins's report (Senate Ex. Doc. 154, 50th Cong., 1st sess.). In the latter report the Commissioner states that the Indian title has never been extinguished, and Secretary Vilas concurs in this opinion.

The present Secretary, in his report hereto attached, expressed the opinion that the Indians are equitably entitled to remuneration, and he appears to consider the amounts specified in the bills reasonable and just. He has made two reports, one to the Fifty-seventh Congress and one to the present Congress, in both of which he reports that the claims of these Indians are not without warrant, and that he is not disposed to oppose an appropriation for the benefit of the Clatsops and the Tillamooks, respectively, for \$50,000 and \$35,000. The more recent report of the Secretary is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 22, 1900.

SIR: I am in receipt of your letter of the 19th instant inclosing for report H. R. 9325 and 9492 to provide for final settlements, respectively, with the Tillamooks and Clatsop tribes of Indians of Oregon for lands ceded by said Indians to the United States in certain agreements between them and the Government made in 1851, the former providing for a payment of \$35 and the latter for \$50. In reply you are informed that during the first session of the Fifty-seventh Congress similar bills were introduced in the Senate, being S. 1889 and 1990, and on February 12, 1902, the Department made a report on the same, of which a copy is herewith inclosed. This report gives a full history of the agreements, and I renew my recommendations therein made that "in the belief that these claims are not without merit I am not disposed to oppose an appropriation for the benefit of the Clatsops and the Tillamooks not exceeding the same proposed by the bills referred, provided that they accept any sum found equitably due them after a full and complete investigation, in full satisfaction of all demands and claims against the United States for the lands described in the agreements made with them in 1851, and of any and all other claims or pretended claims against the United States."

Very respectfully,

E. A. HITCHCOCK,
Secretary.

The CHAIRMAN THE COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

In conclusion your committee in favorably reporting said bill 9492 do so with the recommendation that on line 4 the word "fifty" be stricken out and "fifteen" inserted, and that on line 9 the same change be made, and that at the end of line 14 there be added:

Provided, That the Secretary of the Interior shall determine what shall be a reasonable compensation, if any, to the attorneys representing the beneficiaries under this act for their services in prosecuting their claims hereunder, and that said compensation, if any, may be paid out of the sum hereby appropriated.

